

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 10-00017-01-CR-W-DGK
JOHN A. LEE, III,)
)
Defendant.)

REPORT AND RECOMMENDATION

On February 3, 2010, counsel for Defendant made a motion pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency. Defendant was examined by Jeremiah Dwyer, Ph.D., who prepared a report dated May 7, 2010. On May 27, 2010, I held a competency hearing. Defendant was present, represented by appointed counsel Laine Cardarella. The government was represented by Christina Tabor. During the hearing, both parties stipulated to the contents and findings contained in Dr. Dwyer's report (Tr. at 2-4). Accordingly, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant competent. It is further

RECOMMENDED that, pursuant to Dr. Dwyer's recommendations, the following accommodations should be made:

- (1) The Court should allow more frequent breaks during legal proceedings to provide additional opportunities for counsel to discuss new information and developments in the case with Mr. Lee;
- (2) Counsel should consider checking in with Mr. Lee to make sure he is assimilating new information presented during his legal proceedings;
- (3) Counsel should consider briefing and debriefing Mr. Lee at key points in the process (before proceedings, explaining what is about to happen, and after the proceedings, ensuring he understood what just happened);
- (4) Counsel should consider summarizing key events in writing to allow Mr. Lee

to refer back to them as needed to compensate for the possibility of forgetting (even if it requires the aid of another);

(5) The Court should slow down proceedings, repeat information as needed, allow Mr. Lee to ask questions, and allow ample time to respond to questions; and

(6) The Court should ensure Mr. Lee remembers any legal agreement he is entering by having him recite basic components of the agreement from memory.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
June 2, 2010